

**LOWER PASSAIC RIVER STUDY AREA
COOPERATING PARTIES GROUP**

August 16, 2007

Via Electronic and Overnight Delivery

Mr. Raymond Basso
Strategic Integration Manager
U.S. EPA, Region 2
290 Broadway
New York, New York 10007

Re: Lower Passaic River Study Area Cooperating Parties Group Comments on the Source Control Early Action Focused Feasibility Study-Lower Passaic River Restoration Project

Dear Mr. Basso:

The enclosed comments on the draft "Source Control Early Action Focused Feasibility Study," dated June 2007 (draft FFS) are submitted on behalf of the Lower Passaic River Study Area (LPRSA) Cooperating Parties Group (CPG). The CPG appreciates the opportunity to review the draft FFS and hopes that the enclosed comments, some of which are summarized in this letter, will assist EPA in making appropriate decisions. For all the reasons set forth in this letter and the enclosed comments, the CPG cannot support the conclusions of the draft FFS. Consequently, the CPG will not perform or fund any of the alternatives identified in the draft FFS, if requested by EPA.

The draft FFS is comprised of some 1,900 pages of reports and appendices. Inexplicably, however, certain key data and reports are missing from the appendices, and that missing information apparently was considered or relied upon by EPA in selecting the six alternatives described in the draft FFS. The CPG has repeatedly requested copies of those missing data and reports, but they have not been provided by EPA to the CPG or the public. Until that missing information has been provided to and reviewed by the CPG, it is impossible to complete an evaluation of the draft FFS. Therefore, the CPG reserves its right to comment further once the record that EPA contends supports the draft FFS has been made fully available to the CPG and the public.

The discussion of the CPG's comments in this letter, together with the enclosed, more detailed comments, describe certain overarching issues or flaws that we have identified in the draft FFS, but this submittal does not even begin to address all the myriad technical issues that must be resolved before the draft FFS might reasonably be considered a final document. We urge EPA to address the concerns expressed in this letter and accompanying enclosure before deciding whether to proceed further with this draft FFS endeavor as currently configured.

As detailed in the enclosed comments, the draft FFS, which purports to propose essentially final alternative remedies for the sediments in the entire lower eight miles of the Passaic River, is scientifically unsound and legally indefensible. Chiefly (but by no means



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